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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 UNITED STATES OF AMERICA,  
11  
12 Plaintiff,  
13 vs.  
14 GEORGE DJURA JAKUBEC,  
15 Defendant.

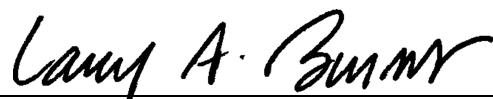
CASE NO. 10cr4828-LAB

**ORDER DENYING CERTIFICATE OF  
APPEALABILITY**

16 Three months ago, the Court denied George Jakubec's motion to vacate his 30-year  
17 sentence for armed bank robbery under 18 U.S.C. § 924(c). Jackubec can appeal that order  
18 only if he's "made a substantial showing of the denial of a constitutional right." 28 U.S.C.  
19 § 2253; *United States v. Asrar*, 116 F.3d 1268, 1270 (9th Cir. 1997). He hasn't made such  
20 a showing for the reasons discussed in the Court's previous order. In short, Jackubec  
21 argued § 924(c)'s residual clause defined "crime of violence" in unconstitutionally vague  
22 terms. But under § 924(c)'s force clause, armed bank robbery is categorically a crime of  
23 violence. *United States v. Watson*, 881 F.3d 782, 786 (9th Cir. 2018). Since Jackubec was  
24 convicted and sentenced under the force clause, he hasn't made a substantial showing of  
25 the denial of a constitutional right. A certificate of appealability is **DENIED**.

26 **IT IS SO ORDERED.**

27 Dated: July 23, 2018



**HONORABLE LARRY ALAN BURNS**  
United States District Judge